UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2011

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher D. Harvey, PE
TRC
230 W. Monroe Street
Suite 2370
Chicago, Illinois 60606

RE: Hayton Area Remediation Project (HARP)
Operable Unit 3 (OU-3) Reach J

Dear Mr. Harvey:

The U.S. Environmental Protection Agency hereby grants approval to TRC to remove and dispose of Toxic Substances Control Act (TSCA) level PCB contaminated soil and sediment from the Hayton Area Remediation Project (HARP) Operable Unit 3 (OU-3) Reach J remedial area in New Holstein, Wisconsin. The Reach J remedial area consists of the channel bed, stream bank and overbank areas in Reach J of Operable Unit 3 (OU-3) depicted in the Sample Results and Excavation Boundaries drawing (Figure 1) of TRC's May 26, 2011 submission (workplan) to the EPA and the Wisconsin Department of Environmental Management (WDNR).

This approval is granted in accordance with the federal PCB regulations codified at 40 C.F.R. § 761.61 (c) under which the Regional Administrator may approve a method to sample, cleanup or dispose of PCB remediation waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment. The authority to grant such approvals in this Regional office has been delegated to the Director of the Land and Chemicals Division.

This approval is effective as of the date of this letter. All sampling, cleanup and disposal activities must be carried out in accordance with the approval conditions that are enclosed with this letter. TRC is responsible for ensuring continued compliance with all applicable provisions of the Toxic Substances Control Act, the federal PCB regulations and the conditions of this approval. Any departure from the conditions of this approval must receive prior written

authorization from this office. Further, this approval does not relieve TRC from compliance with any other federal, state or local regulatory requirements, and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, for any violation.

If you have any questions regarding this approval, please do not hesitate to call Jean Greensley, of my staff, at (312) 353-1171.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

cc: James Baumann, Wisconsin Department of Natural Resources
Deborah D. Johnson, Wisconsin Department of Natural Resources

CONDITIONS OF APPROVAL
40 CFR §761.61(c)

for

Hayton Area Remediation Project (HARP)
HARP Source Abatement
Operable Unit 3 (OU-3) – Reach J

Scope of Work

1. At a minimum, the remedial area is defined as the channel bed, stream bank and overbank areas in Reach J of Operable Unit 3 (OU-3) depicted in the Sample Results and Excavation Boundaries drawing (Figure 1) of TRC's May 26, 2011submission (workplan) to the United States Environmental Protection Agency (EPA) and the Wisconsin Department of Environmental Management (WDNR).

2. TRC must completely characterize polygons 14JL and polygon 15JL.

3. TRC must perform additional characterization in the following polygons and Toxic Substances Control Act (TSCA) and non-TSCA areas:

   a. collect and analyze samples in 6JR to a depth of at least 12 inches at the following locations:

      - at the inside meander directly across the stream from RJ-240+00-W80
      - near RJ 536, at a depth of 6 to 12 inches
      - near the middle of the polygon south of RJ538R

   b. collect and analyze a sample of full depth at the western horn of 6JR where the stream may have moved laterally to the west

   c. characterize the western portion of 7JR by collecting a sample in a location about 25 feet north of RJ+238+00-N25 analyzed to a depth of at least 12 inches in 6 inch increments

   d. collect and analyze samples in 7JL at intervals no greater than 0.5 feet to a depth where clay or gravel is met or a depth of 2.0 feet is reached at a minimum of five locations as follows:

      - directly opposite or sample RJ 509R at about 10 feet from stream
      - near sample RJ-238+00-S25 but closer to stream
      - directly opposite RJ536R
      - two samples close to the stream channel at locations between hummocks

   e. the southern end of 16JL, pending the sample results for 14JL

f. define the downstream boundary of J207a, J207c and J207d

g. define the upstream boundary of J207c and the upstream portion of the upland boundary

h. define the upland boundary of J208 at a depth of 12 to 24 inches

i. define the upland boundary of J210

j. define the upland boundary of J211

k. characterize the northern portion of 16JR

l. characterize the southern portion of 19JR

m. J214, the "90 degree turn" on the upland boundary

4. TRC must further justify or modify the proposed removal boundary areas as follows:

a. move the upstream boundary of J201 to sample point RJ B533R or establish the boundary through a characterization sample

b. extend the downstream boundary of J202 to RJ 553R or establish the boundary with a characterization sample at the "corner"

c. relocate the upland boundary of J202 to the polygon line and RJ 553R or establish boundary with samples at both ends of the upland boundary

d. the northern end of the upstream boundary of J203 needs to be extended north to the polygon line or established through a characterization sample or sidewall PRV

e. move the western upland boundary of J203 to a new sample point which will define the proposed boundary or north to the polygon line

f. establish the downstream boundary for J205a

g. move the upland boundary of J205b north to the polygon line or establish the boundary with a new sample

h. move the upstream excavation boundary of J212 to the sample site cited in Table 2 of the workplan (RJ-247-50-E20 0-6")

5. In addition to the Post-Remedial Verification (PRV) overbank locations identified by TRC on the Proposed Post-Remedial Verification Samples Reach J drawing (Figure 2) of the workplan, the following floor or sidewall PRVs are needed to help substantiate the adequacy of removal:

   a. J103 - sidewall PRV on downstream boundary and floor PRV

   b. J105 - sidewall PRV on south boundary at a depth of 6 to 12 inches

   c. J106 - a floor PRV near sample site RJ 007L

   d. J201 - floor PRV on western end, (in addition to center floor PRV proposed)

   e. J204a - floor PRV near center of removal area

   f. J205b - floor PRV

   g. J207 - a floor PRV near sample site RJ 515R and a minimum of one sidewall sample on the upland boundary between sample sites RJ 541R and RJ 516R which may be collected prior to removal

   h. J207a - a floor PRV in the middle of polygon 9JR

   i. J207c - two floor PRVs, one to represent the upstream half and the other to represent the downstream half

   j. J207d - a floor PRV

   k. J210 - a floor PRV at sample site RJ 544R

6. In addition to the stream bank PRV samples identified in Table 2 and depicted in Figure 2 of TRC's proposed stream bank PRV sampling information submitted to EPA and WDNR via email on July 7, 2011, TRC must take PRV samples at the following locations:

   a. Right Bank

      - the inside of the meander at about 247+40 for the segment from 246+60 to 248+60 corresponding to removal areas J213 and J214
      - the stream bank along removal area J215 will be considered with the adjoining removal area in Reach K and will change the downstream station for RJ BK PRVW 510R from 249+70 to about 249+30

   b. Left Bank

      - at about 233+40 for the segment from station 232+80 to 233+70 to correspond to the inside meander associated with removal area J102
      - at about 240+00 for a segment from 239+40 to about 240+40

7. The concentration of Polychlorinated Biphenyl (PCB) remaining after the removal of the PCB-contaminated in-channel deposits must not exceed one part per million (ppm).

8. The PCB concentration remaining after the removal of the PCB-contaminated overbank material must not exceed 5 ppm.

9. For any area that is submerged seasonally, as a result of the removal, the newly exposed surface must have a PCB concentration of 1 ppm or less. Seasonally submerged is defined as a surface 6 inches above the toe of the bank.

10. All removal activities in OU-3 are subject to on-site inspection, review and approval by EPA and/or WDNR. EPA or WDNR may require changes to the Reach J Toxic Substance Control Act (TSCA) and non-TSCA excavation limits based on our inspection and review of the removal activities.

Site Preparation

11. TRC must obtain the necessary access agreements to conduct the remediation and restoration activities in Reach J. These agreements must include approval from the landowners for reasonable access to the site by WDNR and EPA for observing and inspecting all aspects of the remedial project.

12. Clearing and grubbing of the trees and bushes that are intended for composting must only include the above ground portion of the trees and bushes. The stumps and root systems within areas containing PCB deposits, as well as any topsoil removed during the clearing and grubbing process, must be disposed of in the same manner as the surrounding excavated material.

13. Berms or dams used to isolate and dewater an in-channel work area must be of sufficient strength to withstand damage from up to and including a 10-year, 24-hour design storm.

14. Impounded water remaining in the bermed work area must be sampled and analyzed for PCBs and pumped through a filter prior to diversion downstream of the removal zone. Diversion of water containing more than 0.5 µg/l (>0.5 ppb) PCBs must be approved by the WDNR.

15. Discharge of diversion water must be managed through the use of appropriate best management practices to protect the area and any downslope or downstream location from erosion or scour. There may not be an increase in turbidity of more than 25 nephelometric turbidity units (NTUs) from upstream of the pump intake to downstream from where the diversion discharge is returned to the stream.

16. Water removed from an isolated in-channel work area shall be discharged in accordance with a Wisconsin Pollutant Discharge Elimination System (WPDES) permit for that activity. The discharge shall not cause scour of PCB contaminated deposits either in-channel or on the floodplain. The discharge shall be sampled and analyzed per the WPDES permit. TRC shall report analytical results to WDNR within 24 hours of release of the information from the laboratory or from the time that field information is obtained.

Removal

17. TRC must excavate and remove the PCB contaminated material in accordance with Condition 3 of this approval and the Toxic Substances Control Act (TSCA) and non-TSCA boundaries depicted in Figure 1.

18. If the additional site characterization required in Conditions 2 and 3 of this approval identifies other PCB contaminated material, TRC must remove and dispose of this material.

19. TRC may use the parent clay or a coarse gravel bed to define the depth of sediment removal in Reach J.

20. Post removal verification (PRV) samples must be taken at the locations depicted on Figure 2 of TRC's proposed stream bank PRV sampling information submitted to EPA and WDNR via email on July 7, 2011 and in accordance with Conditions 5 and 6.

21. If the PRV sample result does not meet 1 ppm in the channel or 5 ppm in stream bank or overbank, additional removal is required followed by collection of another PRV.

22. All PRV sample results must be reported to WDNR and EPA within 48 hours of receipt of the results from the certified laboratory.

23. In the event of the threat of thunderstorms or heavy rains, no new in-channel work area may be opened, unless both the upstream and downstream berms and check dams are fully in place and functional.

Disposal

24. The PCB remediation waste placed in the TSCA and non-TSCA staging areas must be covered at the end of the day in order to control dispersal of the material by wind and minimize contact with precipitation.

25. The TSCA transfer pad must have a run-on control system designed, constructed, operated and maintained to prevent flow onto the stored waste during a 25-year storm event and to collect and control the water volume resulting from such a storm [40 CFR 761.65(c)(9)].

26. Free liquids from dewatering of the 50 ppm and over PCB waste at the staging area or the TSCA transfer pad that contains more than 0.5 ug/l (> 0.5 ppb) PCBs, may be solidified and disposed of at the intended disposal site.

27. Transfer pads, upon decommissioning, must be sampled and analyzed for PCB content and disposed of as TSCA waste if the PCB concentration is 50 ppm or greater. If the PCB concentration of the transfer pad is greater than 1 ppm but less than 50 ppm, it may be disposed of at a WDNR-permitted solid waste disposal facility provided the facility's permit allows it to receive PCB remediation waste.

28. Remediation waste containing 50 ppm or greater PCBs may be disposed of at a TSCA-permitted disposal facility or a hazardous waste landfill permitted by EPA under section 3004 of the Resource Conservation Recovery Act (RCRA) provided the facility's permit allows it to receive PCB remediation waste.

29. If TRC intends to dispose of the waste containing 50 ppm or greater PCBs in a RCRA-permitted hazardous waste facility, you must provide a notice to the facility 15 days before the first shipment of PCB remediation waste from the cleanup site. The notice must include the following information:

    a. The quantity of material to be shipped

    b. The highest PCB concentration of the material to be shipped

30. Remediation waste containing less than 50 ppm PCBs may be disposed of at a WDNR-permitted solid waste disposal facility provided the facility's permit allows it to receive PCB remediation waste.

Post-Remediation

31. After completion of the remedial activities in Reach J, sedimentation jars must be placed in the channel to collect sediment for the purpose of determining the effectiveness of the clean up. When weather conditions permit, the jars must be placed in Reach J in the 2012 field season. Prior to placement of the jars, TRC must submit to EPA and WDNR a map showing the proposed locations for the sediment jars. The jars must be in place for several months and samples analyzed whenever the jars are full or prior to November 1, 2012. After EPA and WDNR have reviewed the data, we will discuss the results and the need for further sampling or other actions with TRC.

32. TRC must collect and analyze samples at access roads and, if required by WDNR and/or EPA, collect and analyze additional post-remediation samples in Reach J. TRC must submit the results of these samples and a map depicting the location of these samples to EPA and WDNR.

33. TRC's project engineer must certify to EPA and WDNR that remediation of Reach J has been completed pursuant to the workplan and these conditions, or, if there has been any deviation from the workplan or these conditions, EPA has approved those changes in writing.

34. EPA reserves the right to require additional sampling in Reach J, to change or extend the dimensions of the removal zones identified in Figure 1 and to require additional remediation in OU-3 if TRC finds additional PCB contaminated regulated material.

Notification

35. EPA must receive copies of the weekly progress reports TRC submits to WDNR.

36. EPA must receive a copy of any 15-day notice TRC provides to a RCRA-permitted hazardous waste facility.